

From: Steven Hellyer <StevenH@kcha.org>
Subject: Re: Appreciate the second look at Flock cameras
To: Stephen Hurd <StephenH@kcha.org>; Robin Walls <RobinW@kcha.org>
Cc: Saeed Hajarizadeh <SaeedH@kcha.org>; Joel Tobin <JoelT@kcha.org>
Sent: September 17, 2025 1:27 PM (UTC-04:00)
Stephen --

Thank you for the thoughtful note.

The scenario you describe below was a consideration. There have been reports of ICE gaining access to ALPR results informally through local and state police. Another consideration is the disclosure of footage language in our existing Flock contract, which provides Flock the flexibility to share our data if there is a good faith belief such actions are reasonably necessary to comply with legal process or an emergency situation. I believe both of these scenarios may have indirectly put us at risk of complying with the Keep Washington Working (KWW) Act. Even though KCHA as an agency would not have been assisting, the data generated by our cameras is technically KCHA data, so our data could have conceivably been used to assist with federal immigration enforcement.

Our Safety and Security Team has done a very good job of limiting our data sharing with local law enforcement, and we did consider steps to strengthen existing memorandums of understanding with law enforcement agencies to include attestation of compliance with the KWW Act. We also considered adding contractual language during our Flock contract renewal that would provide 90 days' notice to KCHA if there was a federal legal action requiring access to our data, which would have provided a 60-day window to stop using the cameras given our 30-day retention period. Both of these steps would have in my view demonstrated a good faith effort by KCHA to ensure data generated by our cameras is used responsibly and provide additional contractual protections on disclosure of our data.

In the end, even if we were to take these steps, it does not change how ALPR technology is now being used. The Patriot Act taught us that emergency measures can become permanent, and similar patterns could emerge with ALPR networks. With ALPR networks being used by ICE, we are at risk of mission creep with this technology not being used for its intended purpose.

Due to the steps Ponha had previously taken to limit data sharing coupled with KCHA's decision to discontinue the use of the cameras, I do not believe we need to go further on the question of potential secondary liability. I'll defer to Robin, she may feel different.

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From: Stephen Hurd <StephenH@kcha.org>
Sent: Monday, September 15, 2025 5:28 PM

To: Robin Walls <RobinW@kcha.org>; Steven Hellyer <StevenH@kcha.org>

Cc: Saeed Hajarizadeh <SaeedH@kcha.org>; Joel Tobin <JoelT@kcha.org>

Subject: Appreciate the second look at Flock cameras

Robin, Steven,

Thank you for looking more closely at the Flock agreement and vulnerability of direct ICE access to Flock data. When the Urbanist article came out, I thought there was cause for concern at the local level. I posed this question with Ponha at the time: **What kinds of misuse could occur by partnering police departments?** At the time that I raised the concerns, I was assuming that the agency was committed to Flock and so I was focused on liability risks related to Police departments that might be mitigated through our agreements with them.

Scenario

If a police department can look up a license plate hits from our data for 30 days, then an officer of the department could, at the behest of a buddy at ICE, pass on information. This could result in an apprehension and a long detention at an ICE facility without due process. Could result in the police department being sued and KCHA named in the suit if the information released came from us? From a risk perspective, the federal government is committing actions that are violations of civil rights, of citizens and legal residents. There may be no consequence to the federal government for these actions, but that does may not preclude civil action in state courts against state and local governments under state law for actions on the part of local governments or other cooperating parties.

Risk Management

Joel and I had some discussion about whether it made sense to consult an attorney regarding these risks, which we would have done only after discussing with you. We did not go further on the question of potential secondary liability to KCHA when information is provided by KCHA to a police department that then misuses the information in contravention of state law.

If this is something you would like us to explore, let me know. [@Robin Walls](#)

Steve Hurd

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